

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re:) Case No. 13-14177
)
THYRESHA M. JOHNSON,) Chapter 7
)
Debtor.) Judge Arthur I. Harris
)

TRUSTEE'S MOTION FOR ORDER DIRECTING DEBTOR(S) TO
TURN OVER PROPERTY OF THE ESTATE

Mary K. Whitmer, the trustee (the “*Trustee*”) herein, by and through counsel, respectfully moves this Court for the entry of an order directing the debtor, Thyresha M. Johnson (the “*Debtor*”), to turn over property of the estate, and, in support of this motion, states as follows:

1. This case was commenced with the filing of a voluntary petition by the Debtor on June 11, 2013 (the “*Petition Date*”), under Chapter 7 of Title 11 of the United States Code (the “*Bankruptcy Code*”).

2. The Debtor did not schedule a Monumental Life Insurance Company whole life insurance policy, with last three digits x057, (the “*Policy*”).

3. As of July 8, 2013, the Policy’s cash surrender value was \$5,000, with possible exemptions under O.R.C. § 2329.66(A)(18) totaling \$1,250.¹

¹ The Debtor is not entitled to claim any other exemption in the Policy because the beneficiary is not her spouse, child, or other dependent. *See* ORC §3911.10. At the 341 hearing, the Debtor provided a “Lost Policy Certificate” showing that Jan Johnson is the policy’s beneficiary. The Debtor testified Jan Johnson is her mother.

4. The Policy is property of this estate pursuant to §541 of the Bankruptcy Code, and is subject to turnover pursuant to §542 of the Bankruptcy Code.

WHEREFORE, your Trustee prays that this motion be granted and that the Debtor be directed to turn over to the Trustee the non-exempt portion of the Policy.

Dated: January 16, 2014

Respectfully submitted,

/s/ Jennifer M. Hart

Mary K. Whitmer (0018213)

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*Counsel for Mary K. Whitmer, Chapter 7
Trustee*

CERTIFICATE OF SERVICE

I hereby certify that on 1/16/2014, a copy of the foregoing *Trustee's Motion for Turnover* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties on the Electronic Mail Notice List as set forth below. Parties may access this filing through the Court's system. I further certify that I caused a copy of the foregoing to be served on each of the persons on the Manual Notice List below by placing a copy thereof in the regular United States mail, first class postage prepaid, addressed as indicated, on 1/16/2014.

Electronic Mail Notice List

- Sarah S Graham, counsel for Creditor Greater Cleveland Realty Investments, Ltd., at sgraham@pfl-law.com, jkrakowski@pfl-law.com
- United States Trustee (Registered address)@usdoj.gov
- Mary K Whitmer, Trustee, at mkw@kjk.com
- Mary K. Whitmer, Trustee, at mwhitmer@ecf.epiqsystems.com

Manual Notice List

Thyresha M. Johnson
11801 Avon Avenue, UP
Cleveland, OH 44105

Debtor

PNC Bank
PO Box 94982
Cleveland, OH 44101

Creditor

/s/Jennifer M. Hart

Jennifer M. Hart